## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON DIVISION

Jerry Arnold Scott, # 18973-057,	)	C.A. No. 8:05-0911-CMC-BHH
Petitioner,	)	
v.	)	OPINION AND ORDER
Matthew B. Hamidullah, Warden, FCI Estill,	)	
Respondent.	) ) )	

Petitioner, a *pro se* federal prisoner, has filed a petition for a writ of habeas corpus seeking relief pursuant to 28 U.S.C. § 2241. Respondent filed a motion for summary judgment and Petitioner filed a response to the motion. In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks.

Based on her review of the record, the Magistrate Judge has recommended that Respondent's motion for summary judgment be granted. The court advised Petitioner of the procedures for filing any objections to the Report and Recommendation and the serious consequences if he failed to do so. Petitioner has filed no objections and the time for doing so has expired.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life &* 

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Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." (quoting Fed. R. Civ. P. 72 advisory committee's note).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

Therefore, Respondent's motion for summary judgment is **GRANTED**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina October 20, 2005